

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:20-cv-00086-FL

MARCOS BENITEZ GONZALEZ, ISAAC)
GONZALEZ HERNANDEZ, VICTORINO)
FELIX ANTONIO, JUAN JAVIER VARELA)
CUELLAR, RUBEN DOMINGUEZ)
ANTONIO, RIGOBERTO CARTERAS)
JARDON, JORGE BAUTISTA SABINO,)
EMMANUEL CRUZ RIVERA, CELSO)
GONZALEZ TREJO, ERIC JACINTO)
WENCES VASQUEZ, MARTIN NELSON)
WENCES VASQUEZ, PORFIRIO)
BAUTISTA CRUZ, ALEJANDRO DE LA)
CRUZ MEDINA, JOSE ESTEBAN)
HERNANDEZ CRUZ, SIXTO HERNANDEZ)
BUENO, VIRGINIO ANGELES)
GONZALEZ, TIBURCIO ANTONIO)
MANUEL, and HUMBERTO ANTONIO)
HERNANDEZ, on behalf of themselves and)
all other similarly situated persons,)
Plaintiffs,)

v.)

O.J. SMITH FARMS, INC., BOSEMAN)
FARMS, INC., GREENLEAF NURSERY)
CO., SBHLP, INC., JOEL M. BOSEMAN,)
JEAN J. BOSEMAN, PEYTON G.)
MCDANIEL, SANDRA W. MCDANIEL, and)
SALVADOR BARAJAS,)
Defendants.)

**ORDER APPROVING CONTENT OF NOTICE TO
CLASS ACTION MEMBERS IN *FELIX ANTONIO v. GREENLEAF NURSERY CO.* AND
METHOD FOR DISTRIBUTING NOTICE**

This matter is before the Court on the Joint Motion by plaintiffs Victorino Felix Antonio, Tiburcio Antonio Manuel, and Humberto Antonio Hernandez (collectively “the three Plaintiffs”) and defendant Greenleaf Nursery Co. (“Greenleaf”) to Approve Notice to Class Action Members and to Approve Method for Distributing Notice. In support of their Joint Motion, the three Plaintiffs and Greenleaf have filed a stipulated notice and method of distribution. The proposed content and method of distribution for that notice are consistent with that previously approved for use in other similar wage actions before the federal courts of this and other states. *See Haywood v. Barnes*, 109 F.R.D. 568 (E.D.N.C. 1986); and *Rosas v. Sarabanand Farms, LLC*, Case No. C18-0112-JCC, 2019 U.S. Dist. LEXIS 28556 *2-7; 2019 WL 859225 (W.D.Wa. Feb. 22, 2019) (approving use of text messaging to give notice to members of class composed of H-2A workers). See also *Roes v. SFBSC Mgmt.LLC*, 944 F.3d 1035, 1045-48 (9th Cir. 2019) (approving use of Facebook posting to give notice to members of highly transient, geographically dispersed class). They also appear to be reasonably calculated to provide the best notice practicable under the circumstances of this case.

The proposed Notice to Class Action Members of Proposed Settlement with Greenleaf Nursery Co., Deadline for Objections, and Opportunity to Withdraw (the “Notice”) is both a neutral and comprehensive document that fairly apprises the Plaintiff Class Members of (i) the pendency of the class action, (ii) the substance of the litigation, (iii) the reasons for compromising the claims, (iv) the terms of the proposed settlement, and (v) the opportunity to withdraw. The Notice also provides the Plaintiff Class Members with an opportunity to obtain any necessary further information, and apprises them of their right to object to the settlement, the objection deadline, and the date of the hearing on this Court’s final approval, if any, of the Settlement Agreement.

The Court therefore formally approves the content of the Notice attached to the Joint Motion, as well as the method of distribution for the Notices to class action members set out in the Joint Motion. The Notice shall be distributed to the members of the class previously certified by this Court within thirty (30) days of the date of this Order. In addition, the court SETS this matter for fairness hearing on the instant settlement on March 1, 2021, at 10:00 a.m.

IT IS SO ORDERED.

This the 16th day of December, 2020.



THE HONORABLE LOUISE W. FLANAGAN
U.S. District Judge